


ANED Country report on Social Protection and Article 28	
Luxembourg	
Report prepared by: Name(s) Arthur Limbach-Reich	

The Academic Network of European Disability experts (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network support the development of the European Disability Strategy 2010-2020 and practical implementation of the United Nations Convention on the Rights of Disabled People in the EU.

This country report has been prepared as input for the synthesis report on Social Protection and Article 28 UNCRPD.

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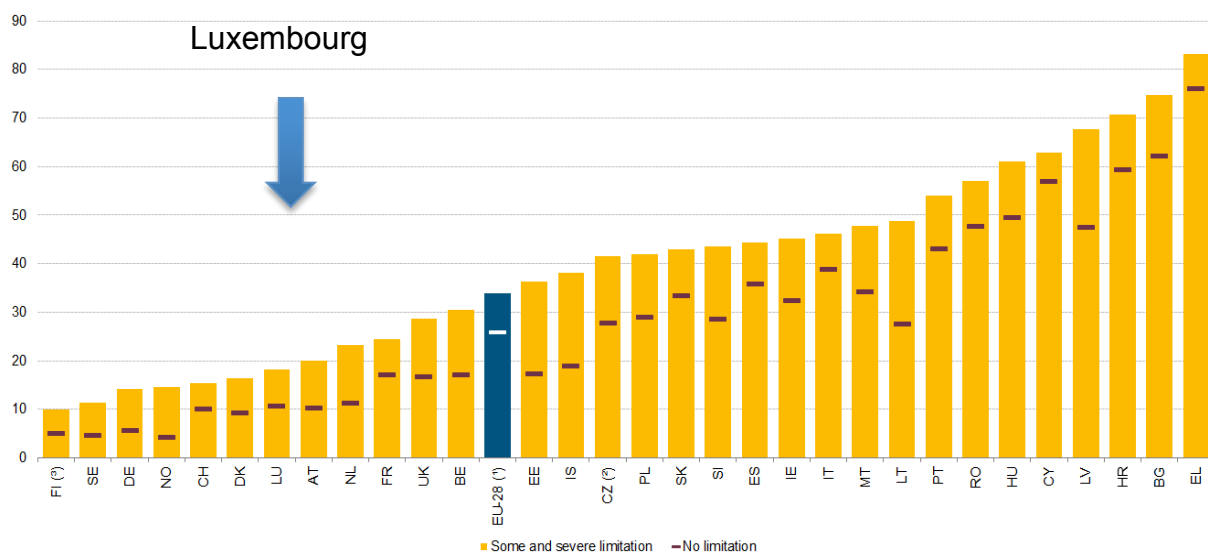
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PART A: FACTUAL DATA

1 Standard of living

Comparing the EU-SILC data compiled 2013 and updated 17 September 2015¹ with the Eurostat data on the “ability to make ends meet by level of activity limitation”² there are big differences between the data resources:

Table 1: Print-screen of the Eurostat figure “Percentage of Population aged 16 or over, with and without activity limitation, living in households that reported having difficulties in making ends meet” by country 2013.



The table of the Eurostat portal shows the percentage of the population aged 16 or over with some and severe activity limitation at approximately 18%, respectively without activity limitations at 10% in Luxembourg while the data file of the Eurostat-table (updated 13 of July 2013) amounts to 6.6% for Luxembourg (“Households making ends meet with great difficulty for persons 16 years old or over with some and severe activity limitation percentage of the total population”) and 3.5% for persons with activity limitations.

¹ EUSILC UDB 2013 – version 2 of August 2015 available at http://ec.europa.eu/eurostat/statistics-explained/images/8/85/Fig1_struggling_to_make_ends_meet_2013.png.

² EUROSTAT 2013 Ability to make ends meet by level of activity limitation, sex and age [hlth_dm060] - http://ec.europa.eu/eurostat/web/products-datasets/-/hlth_dm060.

Table 2: Comparison of EUROSTAT data on “Ability to make ends meet by level of activity limitation, sex and age [hlth_dm060]” with and without activity limitations (households making ends meet with great difficulty, age 16 years and over, percentage of total population 2013)³

Luxembourg: <i>ability to make ends meet by level of activity limitation</i>	Level of activity limitation: some and severe	year 2013	Level of activity limitation: none	year 2013
	6.6		3.5	

Source: Eurostat 2013 data

The percentage of the above mentioned population (total population living in households making ends meet with great difficulties and with a level of activity limitations by some or severe, aged 16 years or over) has risen from 2.5 in 2005 up to 6.6 in 2013.

Table 3: Comparison of EUROSTAT data on “Ability to make ends meet by level of activity limitation, sex and age” with and without activity limitations 2005 – 2013⁴

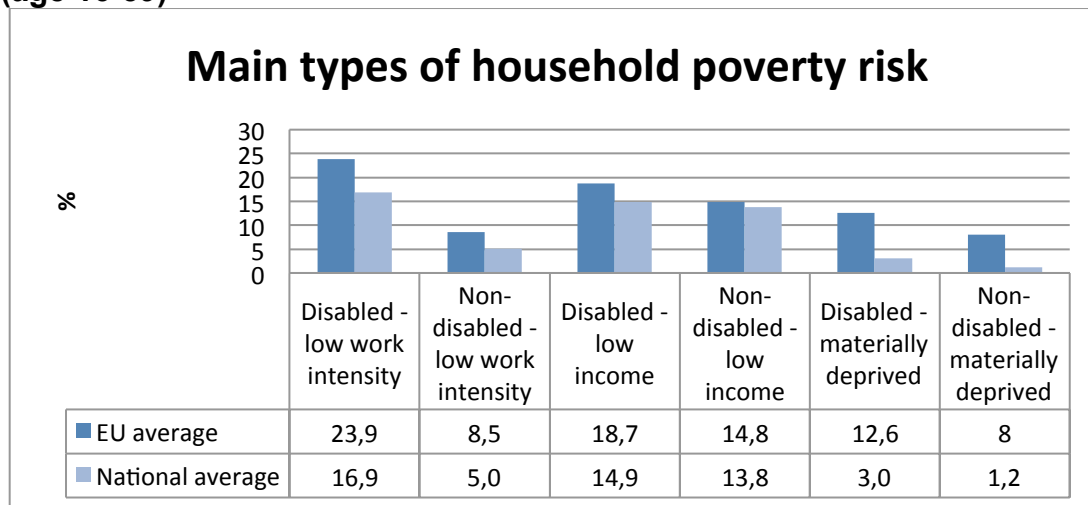
Luxembourg:									
Ability to make ends meet by Level of activity limitation	Year								
	2005	2006	2007	2008	2009	2010	2011	2012	2013
Some and severe	2.5	2.0	2.3	3.7	3.8	3.6	5.2	6.1	6.6
None	1.5	1.1	1.3	1.2	1.5	1.5	2.0	2.8	3.5

Source: Eurostat 2013 data

The national data of the EU SILC survey 2013 concerning the household risk of poverty or social exclusion in Luxembourg indicate that 16.9% of the population with disabilities living in low work intensity households, compared to 5.9% of the non-disabled population aged 16 and over. The percentage of persons with disabilities living in households with low income is 14.9% and 13.8% for non-disabled persons. Disabled Persons materially deprived amount to 3.0% (1.2% for non-disabled persons) in 2013.

³ Eurostat 2013 data: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=hlth_dm060&lang=en (last accessed 18 July 2016) page is very volatile, a copy of the page you will find in appendix.

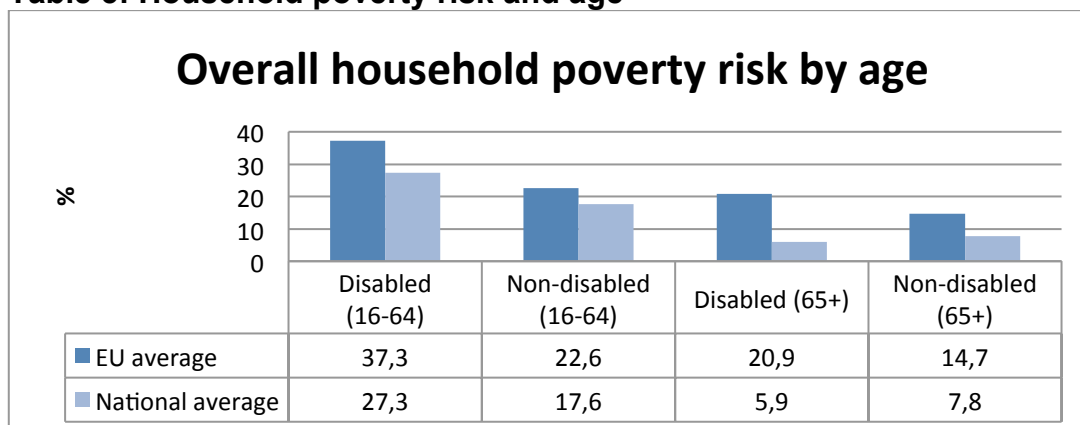
⁴ Eurostat 2013 data: <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do> (last accessed 18 July 2016) (See appendix).

Table 4: People living in household poverty and exclusion by disability and risk (age 16-59)

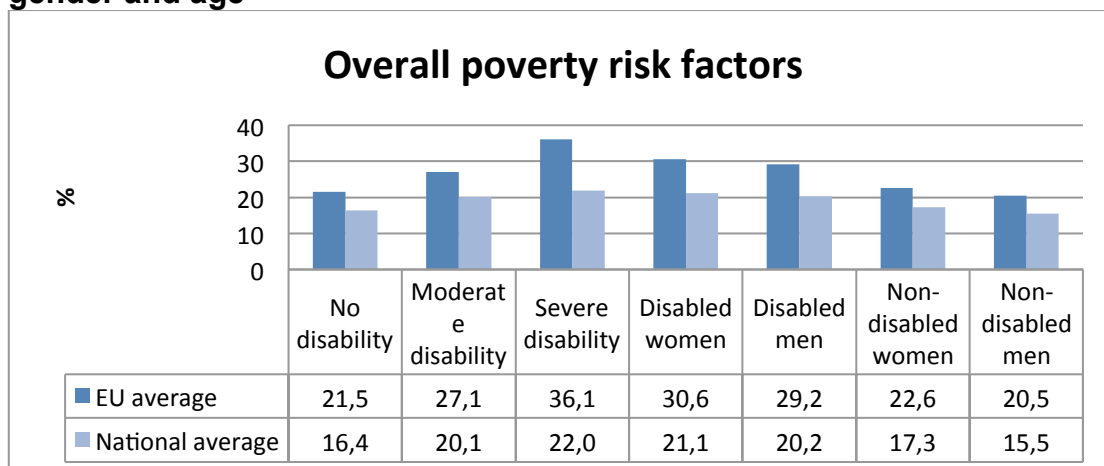
Source: EUSILC UDB 2013 – version 2 of August 2015 (see also National ANED Report Luxembourg 2015)

For people with disabilities living in Luxembourg the poverty risk depends on level of disability and gender however the risks are below EU average. Material deprivation items are defined as the inability to afford a meal with meat, chicken, fish or a vegetarian equivalent every second day.

The overall household poverty risk for Luxembourg is about 17.6 % for non-disabled and 27.3% for disabled people (age 16 – 64). For individuals aged 65 and above the poverty risk is higher for non-disabled elderly people (7.8%) than for disabled people (5.9%).

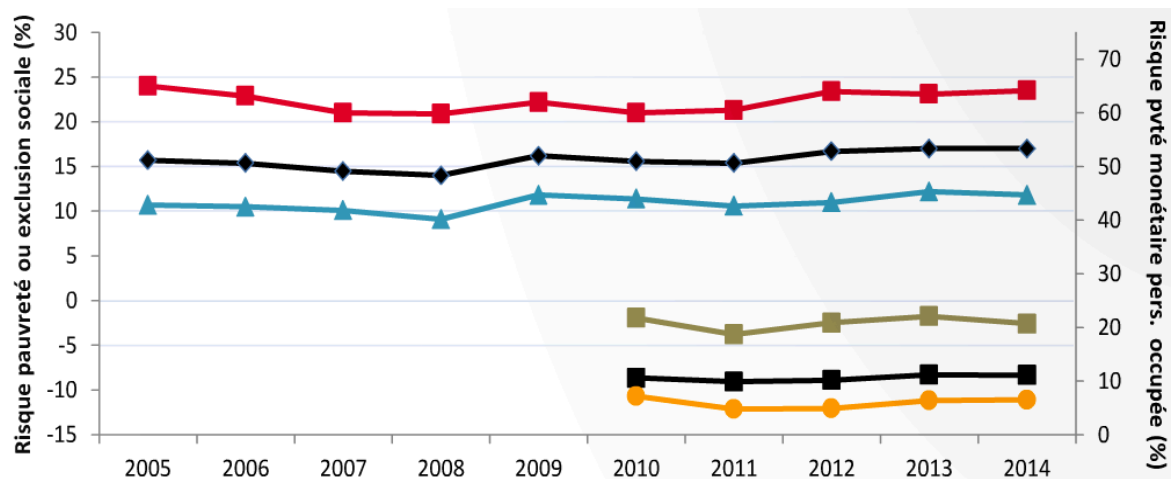
Table 5: Household poverty risk and age

Source: (EU SILC UDB 2013 2 of August 2015 (see also National ANED Report Luxembourg 2015).

Table 6: People living in household poverty and exclusion by disability and gender and age

Source: EUSILC UDB 2013 – version 2 of August 2015 (see also National ANED Report Luxembourg 2015)







The Caritas Europa Shadow Report (2013) *Country Summary for Luxembourg* has pointed out that there is a significant increase in the rate of severely materially deprived people, jumping from 0.7% in 2008 to 1.3% in 2012.⁵ The Caritas Report (2015)⁶ highlights that migrants in Luxembourg are particularly vulnerable to poverty and social exclusion: compared to the rest of the population (9.1%), migrants have a much higher at-risk-of poverty rate (22.2%).



⁵ Caritas Europa (2013) Shadow Report 2013 Country Summary for Luxembourg http://www.caritas.eu/sites/default/files/cs_2013_luxembourg.pdf (accessed 21 January 2016).

⁶ Caritas Cares Luxembourg Report (2015) http://www.caritas.eu/sites/default/files/2015_caritas_cares_country_report_lu.pdf.

Figure 1 Poverty risk and social exclusion (age 18 and above overall population in Luxembourg by nationality and monetary poverty, 2005 -2014)⁷
keys:

-  = poverty risk born outside of Luxembourg
-  = poverty risk totale all
-  = poverty risk born in Luxembourg
-  = poverty risk working population
-  = poverty risk Portuguese working immigrants in Luxembourg
-  = poverty risk Luxembourgish working persons

Source Caritas Sozialbarometer (2015)

https://issuu.com/caritas.luxembourg/docs/caritas_sozialbarometer_1_2015

Particular information relating to disabled people's access to food, clothing, and clean water couldn't be identified for Luxembourg maybe because there is no concern about sufficient access to those basic items.

The poverty line for Luxembourg in Euro lies at € 1665 monthly in 2013 (60 per cent of median income; that amounts to € 2775 per adult person in 2013 (Revenue total disponible median par équivalent-adulte).⁸ The national statistics office presents the following development of the poverty threshold income in Luxembourg:

Table 7: Development of the median income in Luxembourg

income /in Euro a month	Year			
	2003	2010	2012	2013
median income per household	3532	4350	4411	4482
median income per adult	2148	2694	2732	2775

Source: STATEC Luxembourg 2015 (Income and Poverty – revenus et Pauvreté)⁹

⁷ Caritas Sozialbarometer (2015) la situation sociale du Luxembourg / social situation in Luxembourg No.1 Octobre 2015 http://issuu.com/caritas.luxembourg/docs/caritas_sozialbarometer_1_2015.

⁸ National Statistic Office (STATEC-Luxembourg, p. 17) <http://www.statistiques.public.lu/catalogue-publications/luxembourg-en-chiffres/2015/luxembourg-chiffres.pdf> (18 July 2016).

⁹ Statistics Portal Grand-Duchy of Luxembourg Web address (URL) of this page: <http://www.statistiques.public.lu/catalogue-publications/luxembourg-en-chiffres/2015/luxembourg-chiffres.pdf> (accessed 18 July 2016).

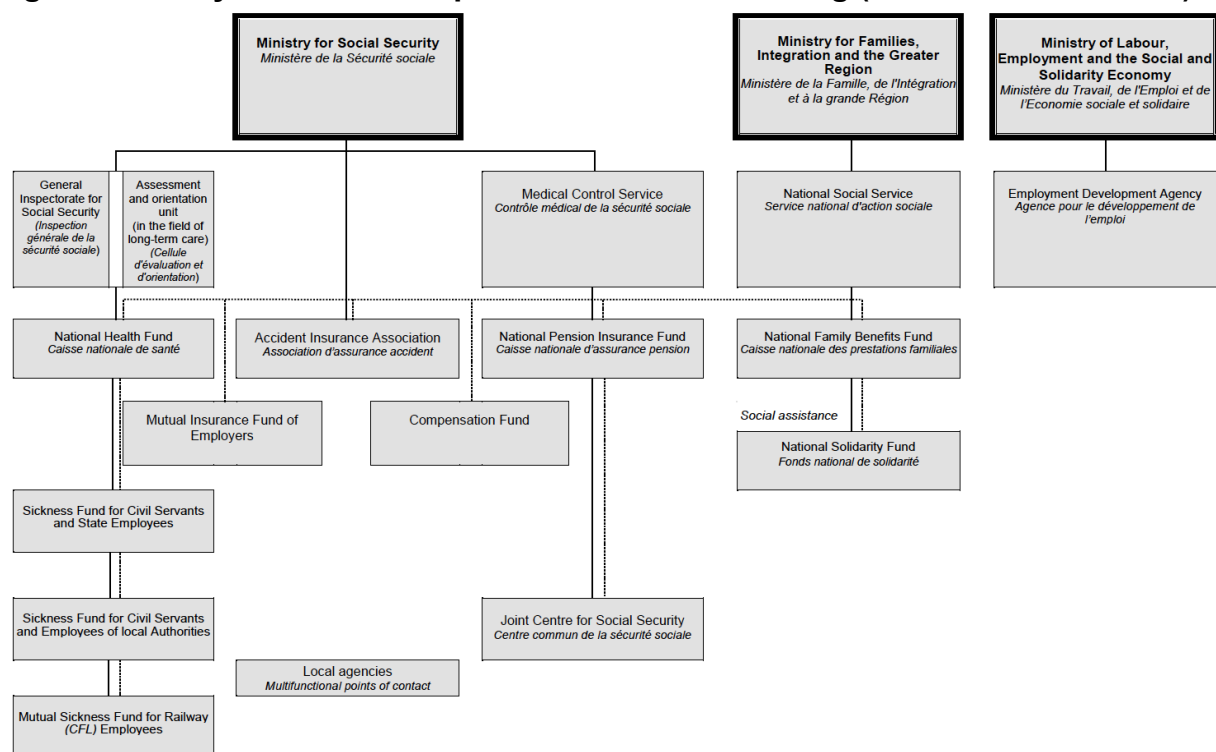
2 Overview of disability protection systems

The social protection system in Luxembourg is based on different pillars assigned to and governed by corresponding ministries and public administrations: Ministry of Social Security; Ministry of Family, Ministry of Labour; National Health Fund including Dependency Insurance and long-term care benefits, National Pension Insurance Fund, National Family Benefits Fund. In 2009 the legal distinction in the social security system between worker and employee was replaced by a unique status (“status unique”).¹⁰

The field of social protection of Luxembourg to date is covered by more than ten public institutions working financially autonomous and managed by the social partners. These institutions are subject to statutory supervision, which is implemented by the General Inspectorate for Social Security (inspection générale de la sécurité sociale) as well as by a hierarchic control carried out by the minister in charge. (Missoc 2015)

The Mutual Information System on Social Protection (2015) provides the following organisation chart.¹¹

Figure 2: the system of social protection in Luxembourg (source: Missoc 2015)



¹⁰ Act on status unique (Loi du 13 mai 2008 portant introduction d'un statut unique pour les salariés) <http://eli.legilux.public.lu/eli/etat/leg/loi/2008/05/13/n1>.

¹¹ MISSOC – Mutual Information System on Social Protection in Luxembourg (updated July 2015) <http://www.missoc.org/INFORMATIONBASE/COUNTRYSPECIFICDESCS/ORGANISATION/organisationSocialProtection2015.htm>.

In a stricter sense, social security and social protection in Luxembourg is based on a system of four insurances: accident insurance, dependency insurance, national pension insurance, and sickness insurance. Under the control and organised by the ministry in charge the institutions provide assistance, counselling, devices, and services for individuals eligible for the institution and services.

The first national report on implementing the CRPD (2014) states, that there are different national Acts establishing criteria according to which persons with disabilities can obtain benefits or allowances in the particular context. Those acts define, in the domain of education, labour, living, etc., who can be regarded as a person with a disability. Blind people, people with spina bifida and persons with severe difficulties to communicate because of profound hearing problems, dysarthria and those having undergone a Laryngectomy are recognised as disabled, but there is up to date no single, universal definition on “disability” dedicated by the Luxembourg Constitution or Act on social protection. Benefits or allowances vary according to the different types of disabilities of the persons concerned and depending on the situation. Thus, there are specific measures and financial aid (e.g. family allowance, leave family, insurance dependence, taxes, and income protection for severely disabled people), and there are also different measures on disability compensation (e.g. free public transport etc.) as they relate to various areas of life.¹²

Regarding persons with disabilities national dependency insurance can be seen as a pivotal issue of social protection and independent living in the context of disability.

Name of the benefit: Dependency care benefits

Purpose of the benefit: The purpose of the dependence insurance benefits are to enable persons with disabilities to stay at home as long as possible and to cover the costs of assistance and care. Home assistance services provide family care and/or material and psychological assistance to persons with disabilities and their families. The object is to support independent living at home and ensure support tailored to the needs and expectations of individual subjects.¹³

The benefits are provided to persons, who need home care or assistance in essential acts of life. (L'aide qui doit être apportée à une personne lorsqu'elle ne peut plus assurer elle-même ses soins personnels quotidiens). Benefits are provided in kind through devices or in cash: (e.g. assumption of costs for wheelchairs, financial recognition of caregivers). All health insurance members and their family members are entitled to the insurance automatically. Everyone can take the services regardless of his or her income and without qualifying, if they are recognised as being dependent.

Means-Testing: The Assessment and Orientation Unit (Cellule d'évaluation et d'orientation) assesses the need of the means and decides on the extent (expressed

¹² First National Report (Premier rapport périodique du Grand-Duché de Luxembourg) implementing the CRPD <http://www.mfi.public.lu/publications/ConventionONU/ConventionONU.PDF>.

¹³ First National Report on Implementing the CRPD in Luxembourg (2014) <http://www.mfi.public.lu/publications/ConventionONU/ConventionONU.PDF>.

in time) of the necessary services for dependent persons. Means testing in terms of poverty tests are not intended for any measures under the umbrella of the dependency insurance.

Social insurance: The Act on dependency insurance (19 June 1998) made this insurance mandatory for all working people in Luxembourg.¹⁴

Eligibility: The person must be recognised as being dependent and the need for care or assistance is at least three and a half hour a week and the dependency condition is irreversible, and lasts longer than six months. There are no age conditions. (Act on dependency insurance).¹⁵

From 2011 to 2013 the number of persons supported by means of the national dependency insurance with devices, assistances or additional technologies increased from 12,388 to 13,362. The data include all benefits and services of the insurance without a breakdown by personal assistance, services devices or assistive technologies (see table below).

Table 8: number of clients supported by the national long term assurance (“nombre de bénéficiaires par âge et lieu de séjour”) (Source: Cellule d'évaluation et d'orientation de l'assurance dépendance Cellule d'évaluation et d'orientation de l'assurance dépendance 2015)

age	2011			2012			2013		
	at home	stationary	total	at home	stationary	total	at home	stationary	total
0-19	797	0	797	857	0	857	894	0	894
20-39	525	0	525	565	0	565	579	0	579
40-59	1 136	38	1 174	1 204	39	1 243	1 224	46	1 270
60-69	927	162	1 089	994	160	1 154	1 012	169	1 181
70-79	1 787	640	2 427	1 830	690	2 520	1 831	680	2 511
80-89	2 700	2 137	4 837	2 790	2 234	5 024	2 880	2 296	5 176
>=90	584	955	1 539	617	1 026	1 643	689	1 062	1 751
TOTAL	8 456	3 932	12 388	8 857	4 149	13 006	9 109	4 253	13 362

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2.1.1 Devices (including assertive technologies and assistance)

Name: aid on house building or adaptation

Purpose: additional aid if the national dependency insurance don't cover the means.

Means testing: yes, depending on the situation of the applicant's family, his taxable income cannot exceed certain limits.

¹⁴ Act on dependency Insurance Luxembourg (Loi du 19 juin 1998 portant introduction d'une assurance dépendance) <http://eli.legilux.public.lu/eli/etat/leg/loi/1998/06/19/n1>.

¹⁵ Act on dependency Insurance Luxembourg (Loi du 19 juin 1998 portant introduction d'une assurance dépendance) <http://eli.legilux.public.lu/eli/etat/leg/loi/1998/06/19/n1>.

¹⁶ Rausch, N. (2015) Les personnes en situation de handicap dans le cadre de l'assurance dépendance, branche de la sécurité sociale » Presentation at the Conference individual assistance and independent living (Conférence Assistance personnelle et vie autodéterminée Konferenz Persönliche Assistenz und selbstbestimmtes Leben) 23 January 2015 Remich (Luxembourg) Additional link: Dependency Insurance <http://www.mss.public.lu/dependance/>.

**Table 9 income limits housing benefit**

Single person	4.000 euros (indice 100)
Households without children	4.300 euros (indice 100)
Housholds 1 child	4.800 euros (indice 100)
Housholds 2 children	5.000 euros (indice 100)
Housholds 3 children	5.300 euros (indice 100)
Housholds 4 and more children	5.500 euros (indice 100)

Social insurance: The aid is not a social insurance: thus it doesn't depend on having paid into schemes such as the national insurance. Social insurance: no.

Eligible:

This aid applies to any person resident legally in Luxembourg and personally suffers from one or several handicaps resulting in a failure or permanent impairment, and to perform daily actions and in particular is unable to moving independently.

The applicant has financed in advance the measures geared to the special needs of the disabled person, at his own expenses and the construction costs have not been covered by the dependency insurance.

The first national implementation report of the CRPD in Luxembourg¹⁷ states, that support of technical devices (e.g. wheelchair, bed adapted, adaptations of car) and adaptations of housing (e.g. shower on one floor, elevator, ramp, etc..) is intended to maintain or increase the self-sufficiency of life of people with disabilities.

The granting of aid on house-building (l'aide pour aménagements spéciaux de logements pour personnes handicapées physiques/ Beihilfe für den behindertengerechten Ausbau einer Immobilie) is subjected to income conditions and the benefit may be granted only once for a person. The aid amounts to 60% of the construction costs, to a maximum of 15,000 euros. It can be combined with other aids of the State in the area of housing. The ceiling of support amounts to 26,000 euros.

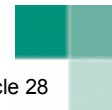
The payment shall be made according to the progress of the special construction measures on presentation of the corresponding receipts. The building for which this aid is sought, must comply with the legally prescribed safety and health standards and must be in line with the generally demands on housing. The limitation period for entitlement to the aid is one year after the date of the termination of the adaptation.¹⁸

¹⁷ First national Report on implementing the CRPD (21 March 2014) Mise en œuvre de la Convention des Nations Unies relative aux droits des personnes handicapées Premier rapport périodique du Grand-Duché de Luxembourg

<http://www.mfi.public.lu/publications/ConventionONU/ConventionONU.PDF>.

¹⁸ National Social Office Portal (guichet public)

<http://www.guichet.public.lu/citoyens/de/famille/dependance/aides-specifiques/amenagement-speciaux-personnes-handicapees/index.html>.



2.1.2 Personal assistance

Name: Aid of care at home (prestations en cas de maintien à domicile pour une personne dépendante/ Hilfeleistungen bei Verbleib des Pflegebedürftigen zu Hause)

Purpose: Allow the person with a disability to remain in the home environment as long as possible. The dependency insurance provides personal assistance in carrying out the activities of daily living under the umbrella of a national care network and assistance service, which consists of experts of the medical sector. The dependency insurance provides personal assistance in carrying out the activities of daily living under the umbrella of a national care network and assistance service which consists of experts of the medical sector. These networks addressed either to all persons in need or are focused on people with a disability or certain diseases. Assistance and care networks offer different services such as home help services (body care, promote the mobility, food, etc.) and nursing home care (injections and blood sampling, infusions, bandages, etc.) the assistance and care networks. They coordinate with each other to ensure that the care recipient also receive all necessary care. For group activities, they can rely on the cooperation with a semi stationary care centre. Care is provided by different service providers or may be provided by non-professional persons like family members. A non-professional caregiver is a third party, who looks after the dependent person (such as a spouse, a child or a neighbour to the dependent person). If the dependent person prefers this option of assistance, an amount of money will transfer her or him to pay the caregiver.¹⁹

Means testing: no.

Social insurance: The aid is covered by a social insurance and depends on having paid into the schemes.

Eligible: this aids applies to persons with a disability recognised by the insurance who want to remain in his or her home environment.

2.1.3 Other forms of service/Assistance

There are additional forms of service and assistance provided under the umbrella the national children office (Office national de l'enfance - ONE) that can be requested by the child or young person, but also by any family members or persons from his or her environment, as well as by all concerned (social workers, school, etc.).²⁰

Therapeutic and health related treatments are provided for a child or a young person between 0 and 27 years of age, living in Luxembourg, who has difficulties at the level of his/her physical, mental, psychological and social development or be subjected to a physical or psychological danger or be threatened by social exclusion. These individuals may benefit from child caring institutions, psychological family support or

¹⁹ National Social Office Portal (guichet public)
<http://www.guichet.public.lu/citoyens/de/famille/dependance/assurance-dependance/prestations-domicile/index.html> (06 March 2016).

²⁰ National Children Office (ONE) <http://www.one.public.lu> (06 March 2016).

other measures. Special education and assistance may be offered by the school (regular or special education units – CIS Commission d'inclusion scolaire).

Name: child welfare means

Purpose: meet special educational needs and child rights

Means testing: depending on the kind of the measure the cost are covered by the ONE. Depending on the financial situation of the persons concerned the ONE can ask for a contribution of the costs.

Social insurance: no

Eligible: Children with disabilities living in Luxembourg

2.2 Income protection

Income protection relates to reduced work capacity and the recognition of a handicapped worker.²¹ The national act about employment for persons with disabilities (Loi relative aux personnes handicapées - service de travailleur handicapé) in 2003 defines, who may be recognised as a disabled worker ("salarié handicapé").²² A person may ask for the guaranteed minimum wage for a disabled person if his or her disability is severe and the person did not get an employment to earn one's living. The person has to be examined by the related medical service and assessed as having at least a partial incapability to work about 30% resulting from physical, mental, sensorial, or psychic disability. The wages correspond to the general guaranteed minimum wage ("salaire social minimum"). Currently the allowance for a severely disabled person (revenu pour personnes gravement handicapées RPHG) amounts to € 1348.18 monthly.²³ There is an additional benefit for severely handicapped persons (Allocation spéciale pour personnes gravement handicapées) € 691.76). The allowance for severely handicapped persons includes the contributions for health and care insurance and is also to be taken into account for pension insurance.

There is an additional benefit to cover costs of living for persons with severe disabilities ("Allocation de vie chère"), which is paid yearly (€ 1320 the year for one person) up to 2.640 for ten persons in one household.

Name: high costs of living benefit ("Allocation de vie chère")

Purpose: covering high costs of living

Means-testing: yes, there are upper limits of income in relation to the household, ranging from € 1930 (per month, one person) up to 7.527,68 (ten persons).

Social insurance: no

²¹ National Social Office <http://www.guichet.public.lu/citoyens/fr/travail-emploi/salarie-handicape/inscription-travailleur-handicape-adem/revenu-personne-gravement-handicapee/index.html>.

²² Act on disabled worker / Loi du 12 septembre 2003 relative aux personnes handicapées <http://eli.legilux.public.lu/eli/etat/leg/loi/2003/09/12/n1> (accessed 03 June 2016).

²³ Ministry of Social Protection Social Parameters Luxembourg 2016 http://www.mss.public.lu/publications/parametres_sociaux/ps_20160101.pdf.

Eligibility: There are some conditions on residence and income, but no link to disability.

Further Measures and Benefits in relation to disability:

Accident Insurance benefits (L'Association d'assurance accident AAA): benefits for workplace accidents and occupational illnesses.²⁴

Name of the benefit: Accidents at work and occupational diseases benefits

Purpose of the benefit: The purposes of accident benefits are to prevent occupational diseases and accidents, to compensate the loss of earnings and cover the costs associated with an accident. The accident insurance covers actual occupational accidents, accidents on the way to and from work and occupational disease costs. It also offers a number of benefits for medical treatments, as well as annuities.

Means-Testing: The accident must have occurred as a result or during work and must have caused an injury. The occupational diseases must be recognised by the assurance. The insurance is subjected under the supervision of the Ministry of Social Security (Ministère de la Sécurité sociale). There is no means testing in terms of poverty test intended.

Social insurance: Accident insurance is compulsory insurance for employees and self-employed persons in Luxembourg.

Eligibility: The person must be employed, self-employed attending a vocational training programme or enrolled in a programme for integration or reintegration. School children and students are eligible too. The person must be less than 65 years old and undergo an investigation by the medical control service of Social Security (Contrôle Médical de la sécurité sociale - CMSS). She or he may or may not have or be entitled to sick pay.²⁵

National Family Benefits Fund (caisse nationale des prestations familiales)²⁶ offers the Child Disability Allowance for parents who care for a disabled child

Name of the benefit: child disability allowance (Allocation spéciale supplémentaire - Sonderzulage für behinderte Kinder)²⁷

Purpose of the benefit: The special allowance for handicapped children is intended to compensate for the burdens caused by the disability of the child.

Means-Testing: The degree of disability (more than 50%) must be certified by a physician. There is no means testing in terms of poverty test. The allowance is independent of income or savings of the parents.

²⁴ National accident insurance association of Luxembourg (L'Association d'assurance accident - AAA) <http://www.aaa.lu/de/>.

²⁵ National Social Office <http://www.guichet.public.lu/citoyens/de/sante-social/accident-maladie/accident-apres-1-janv-2011/rente-incapacite-totale/index.html>.

²⁶ National Family Benefit Fund (Caisse nationale des Prestations familiales - CNPF) <http://www.cnpf.lu/prestations-familiales/>.

²⁷ Child disability allowance (allocation spéciale supplémentaire) <http://www.cnpf.lu/prestations-familiales/allocation-speciale-supplementaire/>.

Social insurance: The benefits don't depend on having paid into schemes but on employment status and residence. The person must be entitled to child allowance. Eligibility: Eligible are children up to the completion of the eighteenth year of life if the child, for which the child benefit is paid, has one or more disability, which cause deterioration or a permanent reduction of the physical or mental capacities of at least 50% of the skills of a healthy child of similar age. The payment of special allowance can be extended up to the age of 27 years. The benefit stops if the child has a personal income that is equivalent to or above the income for severely disabled persons. Eligible persons must resident in Luxembourg or non-residents must be citizens of a member state of the European Union or a non-EU country under the condition that Luxembourg has completed an agreement applicable to the child support with the relevant non-EU country and they are subject to the social security of the Luxembourg law.²⁸ The up to date (January 2016) value of the benefit is: 185.60 € monthly.

Invalidity: National Health Fund (caisse nationale de santé) provides assistance in case of invalidity. The so called disabled worker can apply for financial benefits. There is special assistance for severely disabled persons ("allocation spéciale pour personnes gravement handicapées").²⁹

Name of the benefit: 'special allowance for severely disabled persons' (allocation spéciale pour personnes gravement handicapées)³⁰

Purpose of the benefit: The special allowance for handicapped worker is intended to compensate for underemployment and unemployment due to disability or chronically illness.

Means-Testing: The degree of disability (more than 30%) must be certified by a physician. The person can apply only for the benefit if the income is lower than the 'Income for severely disabled persons'. With the exception of the income, there is no other means testing in terms of poverty and savings.

Social insurance: The benefits depend not on having paid into the scheme but on reduced employment capacity.

Eligibility: Eligible are adults with disabilities considered as unemployable or incapable of working. If a person suffer from a severe disability and finds no employment that meets her or his specific needs, or is due to the severity of their disability unable to pursue a professional activity, she or he can apply for "Income for severely disabled persons".

To get the benefit the persons concerned must meet certain conditions: be at least 18 years old; the person must have an working capacity that is reduced by at least

²⁸ National Social Office <http://www.guichet.public.lu/citoyens/de/famille/parents/allocation-naissance/allocation-supplementaire-enfant-handicape/index.html>.

²⁹ Special assistance for severely disabled persons (Revenu pour personnes gravement handicapées - RPGH) <http://www.fns.lu/prestations/revenu-pour-personnes-gravement-handicapees-rpgh/>.

³⁰ Entitlement of the allowance for disabled workers <http://www.guichet.public.lu/citoyens/fr/travail-emploi/salarie-handicape/inscription-travailleur-handicape-adem/revenu-personne-gravement-handicapee/index.html?highlight=revenu%22pour%22personnes%22handicapées>.

30% as a result of a physical, mental, sensory or mental disability or as a result of psychosocial symptoms worsening the basic disability; the determination must be made before completion of the 65th year of life; his or her health condition may permit any work effort; they have to live on Luxembourg territory; they must be recognised as disabled workers; they must have no access to employment by reasons outside their own responsibility; they must have a lower income as "Income for severely disabled persons".³¹ The benefit for persons with severe disabilities amounts to € 1 348.18 and a special supplement of € 691.76 for care monthly each.

Disability pension (la pension d'invalidité)

Any person, who pursues a professional activity or receives a compensation in Luxembourg is covered by the general pension system and a member of the national pension insurance fund (Caisse National d'Assurance pension - CNAP).

Name of the benefit: disability pension (pension d'invalidité / Erwerbsunfähigkeitsrente)

Purpose of the benefit: The disability pension for handicapped worker is intended to compensate for underemployment and unemployment due to disability or chronically illness reasons.

Means-Testing: The degree of incapacity (invalidité) must be certified by a physician. The Luxembourg pension assurance in charge checks the corresponding request in the country of her or his residence. No means-testing, but there are limitations on accumulation with other incomes. The disability pension must not be higher than: the income taken into account for the calculation of the accident pension and must not be higher than the average of the individual five highest income during membership of the social security.

Social insurance: The benefits depend on having paid into the scheme (mandatory insurance). Workers must have at least 12 months membership of the social security system during the three years prior to admission of incapacity or termination of entitlement to sickness benefit. If the disability results of an accident (no matter what kind) or of recognized occupational diseases, which have occurred during the membership, no minimum period of membership is required.³²

Eligibility: Eligible are insured employed or self-employed persons less than 65 years of age may receive a disability pension if they have suffered a loss of working capacity, so that they can no longer perform the previously exercised occupation or another employment appropriate to their capabilities. Workers resident in neighbouring countries (Germany, France and Belgium) can also apply for the

³¹ National Social Office <http://www.guichet.public.lu/citoyens/de/travail-emploi/salarie-handicape/inscription-travailleur-handicape-adem/revenu-personne-gravement-handicapee/index.html>.

³² Information Flyer Pension d'Invalidité au Luxembourg 2016 http://www.cnap.lu/fileadmin/file/cnap/publications/Publications_CNAP/Brochures/F_Brochure_Pension_Invalidite.pdf.

disability pension. Invalidity pensions can be paid for a period determined (temporary disability) or without time limit (permanent disability).³³

The European Commission's Directorate-General for Employment, Social Affairs & Inclusion lists the following criteria for invalidity pension in Luxembourg:

you must be under 65 years of age;
 the invalidity criterion must be recognised by the National Health Fund (CMSS);
 you must have been affiliated to the insurance system for at least 12 months over the three years prior to the date of invalidity or the expiry of sickness cash benefits. No minimum affiliation period is required if the invalidity is caused by an accident (of any kind whatsoever) or a recognised occupational illness which arises during the period of affiliation;
 you must not perform any unsalaried activity subject to insurance. This means any activity whose professional income exceeds one third of the annual minimum wage.
 the beneficiary of an invalidity pension under the age of 50 may be obliged to undertake rehabilitation or professional conversion measures ordered by the pension fund upon request from the CMSS.
 Where the invalidity is temporary, the pension takes effect upon the expiry of sickness cash benefits, or after an uninterrupted period of invalidity of 6 months.
 Where the invalidity is permanent, the pension takes effect from the first day of the establishment of the invalidity. In the event of continued remuneration from the employer, it is paid as of the end of the remuneration period. If it is not possible to establish the date when the invalidity started, the pension will be effective from the date of presentation of the claim.³⁴

2.3 Disability-related expenses

Name: Public transport benefit ADAPTO

Purpose: Adapto is a transport service, suitable for people with reduced mobility who cannot move independently by their own means, or by public transport available.

A one-way ticket costs five euros per person, a round trip (same day) costs 8 euros.³⁵

According to the degree of their disability, persons with reduced mobility or with a disability may request an invalidity ticket (carte d'invalidité) to travel free on public transport.³⁶

Means testing: no

Social insurance: no

³³ National Social Office <http://www.guichet.public.lu/citoyens/de/organismes/caisses-pension/index.html>.

³⁴ European Commission's Directorate-General for Employment, Social Affairs & Inclusion (2016) <http://ec.europa.eu/social/main.jsp?catId=1120&intPagId=2725&langId=fr>.

³⁵ ADAPTO Adapto Luxembourg <http://www.adapto.lu>.

³⁶ Invalidity ticket service (service des cartes d'invalidité Luxembourg) <http://www.guichet.public.lu/citoyens/de/transports-mobilite/transports-commun/cartes-transports/carte-invalidite/>.



Eligibility: persons with disabilities recognised by the service provider.

2.4 Housing costs

There are several benefits under the umbrella of the national dependency assurance and under the umbrella of the status of a disabled worker, see above. The dependency insurance covers adaptations or modifications of private buildings and housing infrastructures (kitchen, bathroom, bedroom etc.).

Persons with a recognised severe handicap can apply for rent benefits. If the applicant has to pay rent for her or his apartment, an additional benefit can be provided. The benefit to cover costs of living (“Allocation de vie chère”) is paid yearly (€ 1320 the year for one person).

Name: aid on house building or adaptation

Purpose: additional aid if the national dependency insurance don't cover the means.

Means testing: yes, depending on the situation of the applicant's family, his taxable income (per month) cannot exceed certain limits.

Social insurance: The aid is not a social insurance: thus it doesn't depend on having paid into schemes such as the national insurance.

Eligible: This aid applies to any person resident legally in the Luxembourg and personally suffers from one or several handicaps resulting in a failure or permanent impairment, and to perform daily actions and in particular is unable to moving independently. The applicant has financed in advance the measures geared to the special needs of the disabled person, at his own expenses and the construction costs have not been covered by the dependency insurance.

2.5 Retirement benefits

The national retirement system and the invalidity protection system provide measures and benefits for disabled persons who are permitted to retire. The conditions and benefits are described above: (see Invalidity and Disability pension).

If a person could not be (re)-integrated in the main labour market during the payment period of the unemployment benefit, she or he is entitled to get a compensation financed by the pension insurance, which is at the same level as the amount of the disability pension (pension d'invalidité).

A person is considered to be suffering from disability if the insured person as a result of prolonged illness, infirmity or other health condition, suffered a loss of working capacity such that it is prevented from exercising the profession she or he has exercised last or another occupation commensurate with their forces and skills (National Health Fund, 2013).³⁷

³⁷ National Health Fund (CNAP) 2016 <http://www.cnap.lu/les-pensions/pension-dinvalidite/la-pension-dinvalidite/>.

Disability pension for persons with a permanent disability is due from the first day of disability diagnosis. In case of monetary compensation the disability pension is paid to the sickness fund as compensation that transmits any difference to the insured.

Name: disability pension (pension d'invalidité / Erwerbsunfähigkeitsrente)

Purpose: The disability pension for handicapped worker is intended to compensate for underemployment and unemployment due to disability or chronically illness reasons.

Means-Testing: The degree of incapacity (invalidité) must be certified by a physician. The Luxembourg pension assurance in charge checks the corresponding requests, if the applicant is also insured in the country of her or his residence. No means-testing, but there are limitations on accumulation with other incomes. The disability pension must not be higher than: the income taken into account for the calculation of the accident pension and must not be higher than the average of the individual five highest income during membership of the social security.

Social insurance: The benefits depend on having paid into the scheme (mandatory insurance). Workers must have at least 12 months membership of the social security system during the 3 years prior to admission of incapacity or termination of entitlement to sickness benefit. If the disability results of an accident (no matter what kind) or a recognized occupational diseases which have occurred during the membership, no minimum period of membership is required.³⁸

Eligibility: Eligible are insured employed or self-employed persons less than 65 years of age may receive a disability pension if they have suffered a loss of working capacity, so that they can no longer perform the previously exercised occupation or another employment appropriate to their capabilities. Workers resident in neighbouring countries (Germany, France and Belgium) can also apply for the disability pension. Invalidity pensions can be paid for a period determined (temporary disability) or without time limit (permanent disability).³⁹

2.6 Other social protection measures

There is a particular benefit to cover rising costs of living ("Allocation de vie chère") that is paid yearly and depends on the number of persons living in the household.

To take benefit, the household income must not exceed the upper limit established by regulation of the Government Council. The amount of the allowance is according to the composition of the household budget community of the applicant (individual or living together with several persons) identified. The allowance is free of tax and free of social security contribution.⁴⁰

³⁸ Information Flyer « Pension d'Invalidité au Luxembourg 2016 http://www.cnap.lu/fileadmin/file/cnap/publications/Publications_CNAP/Brochures/F_Brochure_Pension_Invalidite.pdf.

³⁹ National Social Office <http://www.guichet.public.lu/citoyens/de/organismes/caisses-pension/index.html>.

⁴⁰ National social Office (guichet unique) <http://www.guichet.public.lu/citoyens/de/sante-social/action-sociale/aide-financiere/allocation-vie-chere/index.html>.



There is a NGO (Service Krank Kanner Doheem) which cares for children if the parents have to go to work, while they have sick children.⁴¹ The service asks for fees depending on the family's budget ranging for € 0.50 up to € 12.40 per hour.

2.7 Disability discrimination and social protection measures (including, in particular, measures which are not disability specific)

There are no particular anti-discrimination directives within the social protection acts and regulations. In general the constitution prohibits discrimination, but disability is not mentioned within the article of equality before the law, which mentioned only the equality of man and woman. Anti-discrimination may arise from article 11 of the constitution, which highlights that the law regulates social security, protection of health, the rights of workers, the fight against poverty and the social integration of citizens with disabilities. (La loi règle quant à ses principes la sécurité sociale, la protection de la santé, les droits des travailleurs, la lutte contre la pauvreté et l'intégration sociale des citoyens atteints d'un handicap).⁴²

No other additional measures found.

⁴¹ The service sick children at home (Service Krank Kanner Doheem) <http://fed.lu/wp/services/skkd/> (accessed 06 March 2016).

⁴² The national Constitution of Luxembourg (Constitution Luxembourg 2015 textes coordonnées à jour au 1^{er} AOÛT 2013 http://www.legilux.public.lu/leg/textescoordonnes/recueils/Constitution/constitution_gdl.pdf).



3 Case studies

3.1 Case study 1 - childhood

Eva is 10 years old. She lives at home with her parents and younger sister. One of her parents is working full-time on the median wage and the other is not in paid employment. They live in a rented house in the private sector. Eva has intellectual, physical and sensory impairments. She needs support and assistance to eat, dress and walk.

3.1.1 Services, devices and assistance (including personal assistance and specialist technical devices)

(a) Devices (including assistive technologies)

Eva and her parents can apply for particular devices depending on her impairment (Aides techniques) from the national dependency insurance (Assurance dépendance) including the adaptation of the flat/house (Adaptation logement), car (Adaptation voiture), and they can apply for a care lumpsum (Forfait d'aides et de soins). See personal assistance.

(b) Personal assistance

Personal assistance may be provided (depending on the impairment) for care by the national dependency insurance (aides et de soins - Assurance dépendance).

(c) (Other forms of service/Assistance

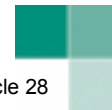
Therapeutic and health related treatments may be provided by the national children office (ONE) and the child may benefit from child caring institutions (Maison Relais). Special education and assistance may be offered by the school (regular or special education unit).

3.1.2 Income protection

The family can apply for the special education allowance (Allocations familiales et allocations spéciales pour enfants présentant un handicap). In case of illness of the child they can ask for some additional holidays (congé pour raisons familiales) and an additional allowance for care costs.

3.1.3 Disability-related expenses

The national social Fund may bear the costs of treatments and therapies not covered by the national health insurance (CNS). The disability ticket (Carte d'invalidité) and the special transportation service (ADAPTO) are available for her. The parking card permits her parents to use parkings for disabled persons moving her in the country.



3.1.4 Housing

The housing benefit authority may grant the rent of the house or flat (service aide au lodgement). They can also apply for benefits to adapt their house or to by a car adapted to the child's needs. The maximal sum of aids for house building and adaptations (l'aide pour aménagements spéciaux de logements pour personnes handicapées physiques/ Beihilfe für den behindertengerechten Ausbau einer Immobilie) is € 15000 but can be combined with other benefits of the State in the area of housing. The ceiling of support amounts to € 26,000.

3.1.5 Poverty line

The regulations on minimal income and (RMG) and the disability related benefits may prevent, that the family will fall under the poverty line. In 2015 the RMG amounts at 1348 Euro and an additional supplement of 691 Euro for severely disabled persons. The RMG applies only for the parents of Eva. Without any social transfer (only one income, no RMG and no allowance for a disabled child and no other related benefit) the family will fall under the poverty line (€ 1.665,08 = 60% Median income adult person per month). The benefit on minimal income in this household (communauté domestique de deux personnes adultes et un enfant: household 2 adults 1 child; 2022,27 + 122,56) is € 2144,83 a month. The allowance for a disabled child is twice the sum for a non-disabled child (€ 185,60) = € 370 a month, with an additional benefit in relation to the age of the child up to € 48,52 monthly. There are additional benefits independently of disabilities: for housing (majoration pour charge de loyer) is limited at € 123,94 monthly. There are also benefits paid yearly like school-start benefit. The family may also apply for supplement to compensate high costs of living ("Allocation de vie chère"), which is € 1320 per year (= € 110 per month) in 2016. All together the benefits and income will reach to € 2797,29, which is just a little bit more than 60% of the median household income (€ 4482) in Luxembourg, that lies at € 2689,20.

3.1.6 Additional comments about the social protection of disabled children

There is a NGO, which cares for children if the parents have to go to work (Krank Kanner Doheem versuergt).⁴³ The fees depend on the family's budget.

3.2 Case study 2 - adulthood (in work)

Sam is 35 years old. He is married and lives with his spouse. They are both working and each of them earns half the median wage. They are buying their own home with a loan from the bank. Sam uses a wheelchair for mobility.

⁴³ The service for sick children at home (Service Krank Kanner Doheem) <http://fed.lu/wp/services/skkd/> (06.03.2016).



3.2.1 Services, devices and assistance (including personal assistance and specialist technical devices)

(a) Devices (including assistive technologies)

Sam can apply for devices (aides techniques) provided by the national dependency insurance (Assurance dépendance) e.g. wheel chair, and he may apply for adaptations in line to his house and car (Adaptation logement et Adaptation voiture). He may request for an invalidity ticket (Carte d'invalidité) and for a parking permission (Carte de stationnement) for his car to use parking areas for handicapped drivers.

(b) Personal assistance

Personal assistance may be provided by the national dependency insurance in regard to his impairments (Réseau d'aides et de soins - Assurance dépendance).

(c) Other forms of service/Assistance

The transportation service (ADAPTO) is available for him. He can apply for the bus ticket.

3.2.2 Income protection

The national act on disabled worker (Loi du 12 septembre 2003 sur les salariés handicapés) specifies measures to ensure income and income protection in the context of impairment:

The gross amount of the income paid by the national solidarity fund (FNS) for severely disabled persons is equal to the amount of the guaranteed minimum income (revenu minimum garanti – RMG). Of this amount, health and care insurance have to be paid.

If the income of the disabled worker would be less than the "income for severely disabled persons", the FNS will pay the difference in the form of a compensatory allowance (taking into account the consumer price index). Currently the allowance for a severely disabled person (revenu pour personnes gravement handicapées RPHG) amounts to € 1348.18 a month, and is paid for an unlimited period. There is an additional benefit for severely handicapped persons (Allocation spéciale pour personnes gravement handicapées), which is € 691.76 monthly in 2016.

3.2.3 Disability-related expenses

The national social Fund may bear the costs of treatments and therapies not covered by the national health insurance (CNS).



3.2.4 Housing

Sam can apply for housing adaptations combining benefits of the national dependency insurance (Assurance dépendance) and benefits from the national social fund. The granting of aid is subject to Sam's income conditions. The aid can be combined with other aids of the State up to 26,000 €, depending on his taxable income (per month).

3.2.5 Poverty line

The national act on disabled workers (Loi du 12 septembre 2003 sur les salariés handicapés) specifies measures to ensure that the income will not fall under the poverty line. Sam can apply for the RMG and may apply for an additional RPHG benefit. The benefit on minimal income in this household (communauté domestique de deux personnes adultes / household 2 adults is at € 2022.27. So Sam will not fall under the poverty line with the social transfers provided.

3.2.6 Additional comments (working age adults)

There are particular incentives (wage subsidy granted to the employment of handicapped worker) for employers to hire a disabled worker (Avantages fiscaux patron) mentioned in the act on disabled worker (2003).⁴⁴

3.3 Working age adulthood (not in work)

Betti is 45 years old and lives alone. She has severe depression and chronic fatigue syndrome. She left her job three months ago because of the time off she needed because of her health. She does not feel well enough to look for other work.

3.3.1 Services, devices and assistance (including personal assistance and specialist technical devices)

Betti has to apply for recognition of the label disabled worker (salarié handicapé) at the national employment agency (ADEM). If she gets this recognition all measures mentioned in Sam's vignette are also effective for her.

If she did not get the recognition disabled worker she could not apply for the measures. Betti will also not be entitled for measures provided by the national dependency insurance as she can manage her daily living practices.

Betti will suffer a significant income loss and may fall under the poverty line.

Thus all devices, assistances and all the other measures she could apply for depend on her status.

⁴⁴ Act on disabled worker (loi travailleur handicapé)
<http://www.legilux.public.lu/leg/a/archives/1991/0076/a076.pdf#page=2> (accessed 06 March 2016).



(a) Devices (including assistive technologies)

No devices in line with disability acts and regulations available for her without recognition as disabled worker (salarié handicapé).

(b) Personal assistance

No assistance.

(c) Other forms of service/Assistance

If Betti will fall under guardianship there are three forms of guardianship, depending on her legal capacity: The different kinds of protective regimes are:

Legal protection “sauvegarde de justice”, Curatorship (curatelle) and the most restrictive: tutorship (tutelle).⁴⁵

3.3.2 Income protection

Betti may receive the monthly guaranteed minimum wage (€ 1,348.18), which is below the national median income (€ 2,775) and less than the poverty line (€ 1,665). She may apply for an additional supplement “Allocation de vie chère” which is € 1,320 per year (=€ 110 p. month) in 2016.

3.3.3 Disability-related expenses

If she is not recognised as been a person with disabilities (handicapped worker or dependent person) there is no entitlement for “disability related” expenses.

3.3.4 Housing

There is no help or entitlements for her if she is not recognised as “disabled worker” nor is she eligible for the national dependency insurance (assurance dependence) if she is not recognised as a dependent person.

3.3.5 Poverty line

Betti will suffer a significant income loss and may fall under the poverty line. It depends on her status as “disabled worker”. If she doesn’t get this label, there is a real poverty risk. The RMG is € 1,348.18, which is less than the national poverty risk line (60% of median income) € 1,665.

⁴⁵ Luxembourg Civil Law <http://www.justice.public.lu/fr/famille/tutelle-curatelle/tutelle-curatelle/index.html> (accessed 10 February 2016).



3.3.6 Additional comments (adults not in work for disability-related reasons)

The national social protection measures under the dependency assurance and the measures on income protection are subject to the label of “dependency” or “disabled worker” recognised by the national institutes in charge. Mental health conditions are actual legal loophole in social protection. There are particular situations and needs for social protection, which are not quite recognised in the national social protection system.

3.4 Case study 4 – older age

Jon is 75 years old. He lives alone. He is retired after working his whole career as a teacher. He owns his own apartment. Recently he became totally blind.

Jon is already above retirement age and receives his pension. He is not eligible for invalidity pension. He will fall under the protection of the dependency insurance and can apply for all devices, assistance and other forms of help provided by the dependency insurance.

3.4.1 Services, devices and assistance (including personal assistance and specialist technical devices)

(a) Devices (including assistive technologies)

Jon can apply for particular devices in line with his impairment (Aides techniques, assistant – blind dog) at the national dependency insurance (Assurance dépendance) including the adaptation of the flat/house (Adaptation logement), and for a care lump sum for blind persons (Forfait d’aides et de soins personne aveugle).

(b) Personal assistance

Personal assistance in daily living activities may be provided by the national dependency insurance (aides et de soins - Assurance dépendance). The disability ticket (Carte d’invalidité) and the special transportation service (ADAPTO) are available to him.

(c) Other forms of service/Assistance

Blindness related services (audible books, etc.) are offered by the blindness institution Blanneheem.

3.4.2 Income protection

Jon will benefit from additional benefits to compensate disability related expenses (Benefit to cover costs of living (“Allocation de vie chère”) that is paid yearly (€ 1,320



the year for one person, Benefit for severely handicapped persons (Allocation spéciale pour personnes gravement handicapées) € 691.76) monthly.

3.4.3 Disability-related expenses

The national social Fund may bear the costs of treatments and therapies not covered by the national health insurance (CNS).

3.4.4 Housing

Jon can apply for a maximum of € 26,000 for housing adaption.

3.4.5 Poverty line

As he has a regular pension there is no concern on poverty line. With and without the benefits.

3.4.6 Retirement

When arriving at retirement age the invalidity pension would have been changed to retirement pension. As Jon's impairment emerged at age 74 he could not apply for an additional invalidity pension.

3.4.7 Additional comments (older people)

The national dependency insurance grants the benefits without means testing. Savings and income are not checked.

PART B: CRITIQUE AND EVALUATION

4 Critique and evaluation of specific benefits/schemes

4.1 Services, devices and assistance

(a) Devices (including assistive technologies).

The dependency insurance provides financial benefits and assistance by a third person but not all persons with a disability are eligible for the benefits: Apart from the costs of technical equipment for the adjustment of the vehicle or the apartment, only those persons with disabilities are eligible for if there are more than 3.5 hours per week assistance needed on activities of daily living (i.e. on the hygiene, nutrition and mobility). Almost all other people with disabilities, who can eat independently, dress and wash but need help with the cleaning, cooking, ironing, and washing less than 3.5 hours per week are not supported by the dependency insurance.⁴⁶

(b) Personal assistance

In Luxembourg, there is no general individual budget system to cover professional personal assistance for persons with disabilities with the exception of blind and hearing lost persons and persons with particular physical impairments /e.g. spina bifida). These persons receive a monthly flat-rate benefit, which corresponds to six hours care (= € 675 per month).⁴⁷

People recognised as blind, people with spina bifida and persons with severe difficulties to communicate because of profound hearing problems, dysarthria and those having undergone a Laryngectomy receive a lump sum cash benefit once the diagnosis is made by a specialist approved by the assessment and guidance unit. In 2011, a total amount of € 3,043,887.47 was paid to these people.⁴⁸

The dependency insurance doesn't recognize special features of complex and multiple impaired persons. The support of the dependency insurance is legally limited to maximum of 56.5 hours per week according to Article 353 CAS. Some persons with disabilities may need up to 24 hour care; 168 hour per week.⁴⁹ But this is not covered by the dependency insurance.

⁴⁶ Documentation Info Handicap <http://www.info-handicap.lu/index.php/de-DE/dokumente/test/447--105/file>.

⁴⁷ Documentation Info Handicap <http://www.info-handicap.lu/index.php/de-DE/dokumente/test/447--105/file>.

⁴⁸ First National Report on Implementing the CRPD (2014) <http://www.mfi.public.lu/publications/ConventionONU/ConventionONU.PDF>.

⁴⁹ Self-advocacy group "Wiertvoll liewenen" » 23 January 2015 Remich Independent living and personal assistance (conférence « Assistance personnelle et vie autodéterminée » organisée par le Ministère de la Famille et de l'Intégration Persönliche Assistenz und selbstbestimmtes Leben) <http://www.waertvollt-liewenen.lu/de/>.

(c) Other forms of service/Assistance

The Dependency insurance is intended to compensate the costs generated by a disease or a disability that requires the need for assistance to perform the essential actions of life (hygiene, nutrition and mobility) but doesn't cover costs related to labour activities (like job coaching) or leisure activities.⁵⁰

4.2 Income protection

If the recipient of the benefit for severe disabled persons dies the national health fund (FNS) may demand the payback of the "benefit for severely disabled persons". The maximum amount of this refund may be the value of the entire estate. This reimbursement caveat may impede the demand for the benefit considering the following loss of the heir.⁵¹

4.3 Disability-related expenses

The first national report on implementing the CRPD (2014) states that in 2011, the national dependency insurance has spent a total amount of 143 million € for persons with disabilities to 3,995 disabled (32.41%) (2,153 women and 1,842 men) benefited from the dependency insurance, while the total number of dependent beneficiaries was 12,327 (8,037 women and 4,290 men). Among the disabled beneficiaries, there are 594 children aged less than 19 years old (226 girls and 368 boys) and 1,847 beneficiaries (811 women and 1036 men) are less than 65 years old.⁵²

The national dependency insurance lists the costs in 20013 up to 2015 on benefits for persons with severe disabilities in Luxembourg:

Table 11: benefit costs Luxembourg 2013-2015

	2013	2014	2014 estim.	2015	Evaluation 2014 - 2015
Benefit for Severe disabled persons dependency insurance	5.812 m €	5.690 m €	5.640m €	5.481 m €	-3%

Source: Budget dependency Insurance Luxembourg 2015⁵³

The national health fund (Caisse nationale de Santé), as a manager of dependency insurance repays monthly benefits for severely disabled persons in the national

⁵⁰ Documentation Info Handicap <http://www.info-handicap.lu/index.php/de-DE/dokumente/test/447--105/file>.

⁵¹ Personal communication service for disabled worker.

⁵² First National Report on Implementing the CRPD (2014) <http://www.mfi.public.lu/publications/ConventionONU/ConventionONU.PDF>.

⁵³ National Dependency Insurance budget information http://cns.lu/files/publications/Budget_AD_2015.pdf.

solidarity fund and ensures the payment of care benefits authorised by the Minister of the family. Special allowance for severely disabled persons have been estimated in 2014 at 5.6 million euros, against 5.8 million in 2013 (-3.0%). In 2015 also less spending is expected by 2.8% so allowances will amount to € 5.5 million. In 2015 the annual number of supported persons receiving special allowances for seriously disabled people is about 650.⁵⁴

4.4 Housing costs

The first national implementation report of the CRPD in Luxembourg states, that in 2011, the dependency insurance has spent the amount of € 4,310,913.93 for technical aid including € 36000 for assistant dogs. A total of € 356,488.13 was granted for the expertise of housing and € 697,912.26 for the adaptation of housing for persons with disabilities.⁵⁵

The Budget of the Ministry of Family and Integration in 2014 lists the following costs on housing. This table includes persons with disabilities, who request for this benefit.

Table 13 benefits on housing in Luxembourg 2003-2014

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
requests	6,902	7,847	10,223	11,382	13,036	16,402	20,112	22,539	25,594	26,749	27,086	23,934
development		13.69%	30.28%	11.34%	14.53%	25.82%	22.62%	12.07%	13.55%	4.51%	1.26%	-11.64%
recipients	4,719	5,297	7,751	9,431	9,495	13,904	17,040	18,759	18,46	17,088	22,010	23,705
development		12.25%	46.33%	21.67%	0.68%	46.43%	22.55%	10.09%	-1.59%	-7.43%	28.8%	7.70%
Costs in millions	2,73	2,85	5,72	7,64	7,68	12,03	29,08	32,94	32,69	30,27	38,25	41,09
development		4.39%	100.7%	33.59%	0.47%	56.69%	141.7%	13.26%	-0.75%	-7.4%	26.37%	7.41%

Source: Ministry of Family Affairs⁵⁶

As the data show there is an increase of recipients.

4.5 Retirement benefits

The retirement benefits in Luxembourg are based on two pillars: a flat-rate amount contingent on years of coverage and an earnings-related amount. The national pension system is financed through contributions shared equally between the employer, employee and the state. The rate, half of which is payable by the employer and half by the employee, amounts to 16% of assessable income. The State also makes a contribution, amounting to a further 8% of total assessable income. The statutory retirement age is 65. An early retirement scheme also existed after 40 years

⁵⁴ National Dependency Insurance Budget information
http://cns.lu/files/publications/Budget_AD_2015.pdf.

⁵⁵ First national Report on Implementation of the CRPD in Luxembourg
<http://www.mfi.public.lu/publications/ConventionONU/ConventionONU.PDF>.

⁵⁶ Ministry of Family and Integration and the Greater region (2015)
http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2014.pdf.

of contributions that allows an individual to claim pension from age 57 (Eurofond 2016).⁵⁷

If an employed person could not be reintegrated in the main labour market during the payment period of the unemployment benefit, she or he is entitled to get a compensation financed by the pension insurance, which is at the same level as the amount of the disability pension (pension d'invalidité).

A person is considered to be suffering from disability if the insured person as a result of prolonged illness, infirmity or other health condition, suffered a loss of working capacity such that it is prevented from exercising the profession she or he has exercised last or another occupation commensurate with their forces and skills (National Health Fund, 2013).⁵⁸

Disability pension for persons with a permanent disability is due from the first day of disability diagnosis. In case of monetary compensation the disability pension is paid to the sickness fund as compensation that transmits any difference to the insured. The respective amount is estimated at € 4.5 million for 2015 (Budget of the National Health Insurance 2014).⁵⁹

4.6 Disability discrimination and social protection measures (including, in particular, measures which are not disability specific)

The Constitution of Luxembourg contains a general equality provision to the effect that all Luxembourgers are equal before the law, which has been interpreted to include persons with and without disabilities. "Luxembourg legislation applies without discrimination both to the girls and boys and both women as men, whether they are disabled or not." (First National Rapport on implementing the CRPD 2014, p.5).⁶⁰

⁵⁷ European Foundation for the Improvement of Living and Working Condition (2013) <http://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/luxembourg/luxembourg-social-partners-involvement-in-the-reforms-of-pension-systems>.

⁵⁸ National Health Fund (CNAP) 2016 <http://www.cnap.lu/les-pensions/pension-dinvalidite/la-pension-dinvalidite/>.

⁵⁹ Budget de l'assurance maladie-maternité (2014) http://cns.lu/files/publications/Budget_AM_2015.pdf.

⁶⁰ First National Rapport on Implementing the CRPD in Luxembourg (2014, 5) « *la législation luxembourgeoise s'applique sans discrimination tant aux filles qu'aux garçons et tant aux femmes qu'aux hommes, qu'ils soient des personnes handicapées ou pas.* »



5 Critique and evaluation of overall situation and cumulative effect - standard of living

The national standard of living and the system of social protection has reached a high position in Luxembourg. Following the Social Inclusion Report (2014) of the Bertelsmann Stiftung, Luxembourg's welfare system is possibly one of the most substantial and comprehensive in Europe. Luxembourg offers a guaranteed minimum income (revenu minimum garanti, RMG) to ensure all residents have sufficient revenue, who are older than 24 (with certain exceptions, such as one-parent families and the disabled). The high rate of poverty risk before social transfers (43.8%) turned into a relatively modest poverty risk after transfers (13.6% in 2011). The national dependency insurance (assurance dépendance) considered one of the most generous schemes worldwide, which includes cash benefits and benefits in kind to give priority to caring for the elderly and disabled at home. Institutional care is also provided for without requiring payments out of pocket. Other allowances provide the necessary means for long-term institutional care. In 2011, welfare expenditures covering all social services totalled 18% of GDP.⁶¹

⁶¹ Bertelsmann Stiftung (2014, 3). Social Inclusion Report Social Inclusion Policy http://www.sgi-network.org/docs/2014/thematic/SGI2014_Social_Inclusion.pdf.

PART C

6 Key points

6.1 Examples of good practice

Since 2008, a law stipulates the principle of accessibility of public spaces for people with disabilities, which are accompanied by an assistance dog.⁶² In this way, their full participation and integration into society should be ensured. In accordance with the law, the public space includes: public and private spaces including school buildings, hospitals and theatres, and other places. The refusal of access for assistance dogs is a criminal offence and is punishable with € 250.⁶³

6.2 Concerns

Social security and social protection in Luxembourg is mostly linked to education, employment and economic activity or retirement.⁶⁴ This may result in the exclusion of persons, who are young people not in employment, education or training (NEET) not in education and work. Family benefits are provided under condition of residence, within a universal regime.

Table: 14 Poverty and NEET status among Youth in 2012

total number of youth	poor youth	NEETS	inactive NEETs
99000	15000	8000	4000

Source: Carcillo, S. et al. (2015), "NEET" Youth in the Aftermath of the Crisis: Challenges and Policies", *OECD Social, Employment and Migration Working Papers*, No. 164, OECD Publishing, Paris, p.8⁶⁵

There is reason to fear that certain persons of these groups (NEETS) are young persons with disabilities.

⁶² Act on assistant dog (loi du 22 juillet 2008 relative à l'accessibilité des lieux ouverts au public aux personnes handicapées accompagnées de chiens d'assistance)
<http://www.legilux.public.lu/rgl/2008/A/2004/A.html>.

⁶³ Recognition of assistant dog in Luxembourg
<http://www.guichet.public.lu/citoyens/de/actualites/2014/04/30-depliant-chiens/depliant-accessibilite-chiens-assistance.pdf> (accessed 10 February 2016).

⁶⁴ Centre des Liaisons Européennes et Internationales de Sécurité Sociale
http://www.cleiss.fr/docs/regimes/regime_luxembourg.html (accessed 10 February 2016).

⁶⁵ OECD NEET report 2015 NEET YOUTH IN THE AFTERMATH OF THE CRISIS CHALLENGES AND POLICIES Stéphane Carcillo, Rodrigo Fernández and Sebastian Königs, OECD Directorate for Employment, Labour and Social Affairs, Social Policy Division; Andreea Minea, Sciences Po Paris <http://dx.doi.org/10.1787/5js6363503f6-en> (accessed 10 February 2016).



6.3 Recommendations

Disability should be included under the discrimination prohibition article of the national Constitution.

A priority should be given to social protection measures for persons with intellectual disabilities.

Legal texts and entitlements are often not accessible for persons with learning disabilities so they even do not know much about their rights. The laws and regulations are not available in the national language (Luxembourgish) so that mostly elderly people and persons with learning disabilities, who don't have enough literacy competences in the French language, need help and support to apply for social protection benefits.

Social protection should be detached from ability of employment or dependency status.

Persons with psychiatric disorders or psychic problems may hesitate to get labelled as "insane" and so they don't apply for the national protection systems that ask for medical certifications and diagnoses. As they don't fulfil the "disability" criteria they are not eligible to those protection systems and may be at risk of poverty and exclusion.

In higher education, there is a gap in social protection, assistance and support between Luxembourgish and non-Luxembourgish students: Exchange students at Luxembourg University with disabilities and students with disabilities at Luxembourg University coming from other countries are not eligible for the national insurance and cannot apply for assistance and support in higher education.

Appendix

EUROSTAT (2015). Ability to make ends meet by level of activity limitation, sex and age [hlth_dm060]

eurostat

DATA-EXPLORER_PRODmanaged11

Explanatory texts (metadata) Information Download Preview Bookmark Demo Help Login

Ability to make ends meet by level of activity limitation, sex and age [hlth_dm060]

Last update: 13-07-2015

Table Customization show

TIME + GEO +

Level of activity limitation: Some and severe +

Subjective and non-monetary indicator: Households making ends meet with great difficulty +

Unit of measure: Percentage of total population +

Age class: 16 years or over +

Sex: Total +

	2005	2006	2007	2008	2009	2010	2011	2012	2013
European Union (28 countries)	11.4	11.7	11.9	12.9	13.1	13.0	13.6	15.1 ^(b)	14.9 ^(b)
Belgium	9.5	10.7	10.5	12.4	13.1	12.4	14.2	14.1	13.9
Bulgaria	-	53.9	52.2	44.8	38.5	37.5	34.3	38.6	39.8
Czech Republic	11.7	11.8	10.1	11.6	11.7	12.1	13.0 ^(b)	13.5 ^(b)	13.1 ^(b)
Denmark	5.2	5.5	6.9	5.7	6.2	7.5	8.0	6.6	6.9
Germany (until 1990 former t	4.7	3.7	2.8	3.0	4.4	4.2	4.3	4.4	5.1
Estonia	1.2	7.6	6.0	5.3	9.7	10.7	12.2	13.4	12.8
Ireland	14.0	13.3	12.5	15.1	13.8	17.4	18.0	21.8	22.3
Greece	30.1	30.3	30.0	33.8	32.2	32.9	31.0	40.5	45.4
Spain	15.7	17.3	15.5	17.1	19.4	17.5	13.7	16.8	21.3
France	3.6	3.7	3.6	3.1	4.8	4.6	5.4	4.7	4.8
Croatia	-	-	-	-	-	31.3 ^(b)	31.2 ^(b)	29.1	32.3 ^(b)
Italy	20.2	19.8	20.1	22.7	19.3	20.9	20.8	19.8	22.7
Cyprus	23.0	26.3	30.1	30.1	29.5	29.2	32.2	27.5	34.7
Latvia	34.9	27.4	21.4	22.0	23.6	28.9	29.9	29.4	34.1 ^(b)
Lithuania	14.3	12.6	8.8	8.0	12.7	14.9	18.0	20.3	16.3
Luxembourg	2.5	2.0	2.3	3.7	3.8	3.6	5.2	6.1	6.6
Hungary	17.2	19.7	16.9	21.4	26.5	28.2	31.1	30.9	30.0
Malta	17.5	14.7	15.2	15.4	25.7	24.8	18.0	21.7	21.0
Netherlands	8.4	8.1	6.0	4.9	5.5	6.7	5.9	6.0	6.1
Austria	3.8	4.3	5.9	7.2	8.2	8.8	8.9	9.1	9.2
Poland	34.9	27.4	24.1	23.0	21.8	21.5	19.3	19.5	18.7
Portugal	23.6	23.5	22.5	31.7	29.8	26.4	24.0	25.7	29.7
Romania	-	-	32.4	26.4	25.4	25.9	25.5	27.7	28.8
Slovenia	10.6	11.0	9.1	13.6	12.5	14.1	14.1	13.2	18.0

Available flags:
b break in time series
e estimated
n not significant
s Eurostat estimate (phased out)
c confidential
f forecast
p provisional
u low reliability
d definition differs, see metadata
i see metadata (phased out)
r revised
z not applicable

Special value:
- not available

Menü anzeigen

Source of data: Eurostat

Last update: 13-07-2015

Eurostat (2015)

EUROSTAT (2015). Ability to make ends meet by level of activity limitation, sex and age [hlth_dm060]

II

Ability to make ends meet by level of activity limitation, sex and age - Eurostat

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Ability to make ends meet by level of activity limitation, sex and age
Last update: 13-07-2015
Table Customization [Show](#)

TIME + GEO + Unit of measure +

Level of activity limitation + Subjective and non-monetary indicator +

None + Households making ends meet with great difficulty +

Sex + Age class +

Total + 16 years or over +

	2005	2006	2007	2008	2009	2010	2011	2012	2013
European Union (28 countries)	:	:	:	:	:	9.1	8.6	9.7	10.5 ^(a)
European Union (27 countries)	7.8	7.8	7.8	8.3	8.9	9.0	8.6	9.6	10.4 ^(a)
Belgium	4.2	3.8	3.4	5.7	6.2	5.8	6.1	6.5	6.7
Bulgaria	:	34.1	31.3	28.4	25.0	26.7	25.6	30.1	29.9
Czech Republic	9.2	7.3	6.2	6.3	6.0	7.0	6.8 ^(a)	7.4 ^(a)	7.1 ^(a)
Denmark	2.0	1.8	1.9	1.9	2.2	2.0	2.3	2.1	3.8
Germany (until 1990 former f	2.1	1.8	1.6	1.6	2.5	1.6	1.8	1.8	1.5
Estonia	1.0	3.0	2.1	2.0	6.3	6.9	6.8	6.2	4.8
Ireland	7.3	7.3	6.0	6.9	8.9	12.6	12.1	14.8	15.1
Greece	14.7	16.2	16.6	16.9	20.1	22.1	23.3	32.9	36.9
Spain	9.2	9.7	9.2	11.8	13.9	14.0	10.1	13.4	16.6
France	2.5	2.5	2.7	2.4	3.4	3.5	3.4	3.4	3.7
Croatia	:	:	:	:	:	14.4 ^(a)	16.4 ^(a)	20.0	23.7 ^(a)
Italy	13.4	13.0	13.7	15.6	14.3	14.9	14.9	15.4	16.9
Cyprus	11.4	16.1	14.3	18.1	17.7	21.2	23.2	20.3	29.9
Latvia	20.1	13.1	8.9	9.0	13.9	19.9	20.5	17.9	20.0 ^(a)
Lithuania	7.8	6.4	3.4	5.2	9.7	10.8	9.0	10.2	7.2
Luxembourg	1.5	1.1	1.3	1.2	1.5	1.5	2.0	2.8	3.5
Hungary	10.5	13.6	11.6	13.6	20.8	22.2	22.4	22.6	23.2
Malta	11.1	12.9	10.5	12.2	16.6	17.5	13.4	15.7	13.7
Netherlands	2.8	2.6	1.5	1.7	1.7	2.3	2.2	2.4	2.4
Austria	2.1	1.7	2.2	3.9	3.9	4.2	3.7	4.2	3.4
Poland	22.9	18.8	14.7	12.1	12.4	11.9	10.5	11.3	10.6
Portugal	12.9	11.1	12.0	19.8	19.0	16.0	16.2	19.3	21.9
Romania	:	:	19.8	15.9	16.5	17.6	17.5	19.0	20.1
Slovenia	5.2	4.9	3.9	6.4	5.4	6.2	6.9	6.8	8.4

Available flags:
b break in time series
e estimated
n not significant
s Eurostat estimate (phased out)
c confidential
f forecast
p provisional
r revised
d definition differs, see metadata
i see metadata (phased out)
Special value:
: not available